

BY COMMUNITY DEVELOPMENT & HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THE "CUSTER AVENUE SUBDIVISION HOUSING ENTERPRISE ZONE" FROM JANUARY 1, 2002 TO JANUARY 1, 2003; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation that is known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly, signed by the Governor in March 1983, and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for residential purposes; and

WHEREAS, by ordinance that was adopted on October 1, 2001 by the Council and approved on October 9, 2001 by the Mayor, the Custer Avenue Subdivision Housing Enterprise Zone was created to become effective on January 1, 2002; and

WHEREAS, the Custer Avenue Subdivision Housing Enterprise Zone has remained undeveloped as a result of unanticipated development impediments; and

WHEREAS, The State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta the authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments; and

WHEREAS, Capital City Partners has formally requested, via a letter comprising Exhibit "A", that the effective date of the Custer Avenue Subdivision Housing Enterprise Zone be changed from January 1, 2002 to January 1, 2003.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: The Custer Avenue Subdivision Housing Enterprise Zone is hereby amended.

Section 2: The effective date of all exemptions that were established therein shall be January 1, 2003. The Custer Avenue Subdivision Housing Enterprise Zone shall be abolished on December 31, 2012. The Custer Avenue Subdivision Housing Enterprise Zone shall otherwise not be abolished except as provided in State law.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta Metropolitan Statistical Area, as was most recently published by the United

States Department of Housing and Urban Development (HUD), and as is adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Custer Avenue Subdivision Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

EXHIBIT "A"



March 27th, 2002

City of Atlanta
Attn: Ms. Lena Young
68 Mitchell Street SW
Suite 3350
Atlanta, Ga. 30335-0388

RE: Custer Avenue Subdivision

Dear Ms. Young,

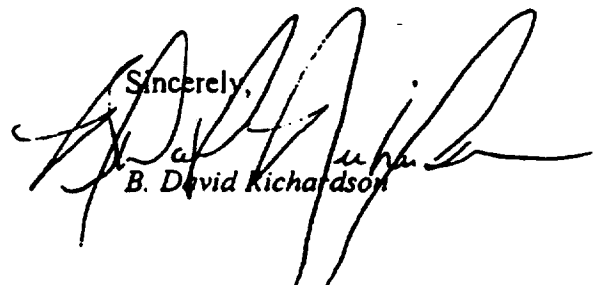
On October 19, 2001 we received a letter from the City of Atlanta advising us we were approved for the Urban Enterprise Zone designation on the above referenced development. Twenty percent of the homes were to meet the criteria in the ordinance with ten percent of the homes to be built by December 31st, 2002.

Capital City Partners was planning to start development in early October 2001 and had two builders reviewing contracts for constructing homes on the 93 lots. Unfortunately, the September 11th terrorism attack made our company and builders nervous about the future of the economy and housing industry in general. We decided to watch the housing market carefully and make a wise business decision on when to start our project. We have now agreed it is time to proceed with our development plans but can not meet the requirements of ten percent of homes to be finished by 12/31/02. Actual home construction will not begin until 1st quarter of 2003 with a possibility of late this year.

We respectfully request an *extension* of our Urban Enterprise Zone designation. The effective dates requested are to be January 1st, 2003 thru December 31st, 2012 with ten percent of the homes to be completed by December 31st, 2003. Also, assuming the adjustment in maximum sales price of \$146,300.00 will be increased to reflect the extension.

Thank you for taking your time to review our request and look forward to hearing from you soon!

Sincerely,



B. David Richardson

Cc: Attachment

4180 Providence Road • Suite 325 • Marietta, GA 30062
Office (770) 579-8880 • Fax (770) 579-8029

Exhibit "B"

Proposed Custer Avenue Subdivision
Housing Enterprise Zone

TO BE ATTACHED TO AND MADE A PART OF THAT CERTAIN LIMITED
WARRANTY DEED FROM ATLANTA-EAST, INC., GRANTOR, TO MOHAMAD
MUTAZ MALAK, GRANTEE DATED _____.

PARCEL 1:

All that tract or parcel of land lying and being in Land Lot
24 of the 14th District of Fulton County, Georgia, and being more
particularly described as follows:

BEGINNING at an iron pin on the south side of Casanova
Street 200 feet east, as measured along the south side
of Casanova Street, from the southeast corner of the
intersection of Casanova Street and Funston Street;
thence running North 89 degrees 10 minutes East along
the south side of Casanova Street 200 feet to an iron
pin; thence running North 1 degree 32 minutes West 50
feet to an iron pin on the north side of Casanova
street; thence running North 89 degrees 10 minutes East
530 feet to an iron pin; thence running North 0 degrees
2 minutes West 262.6 feet to a point; thence running
east 10 feet to an iron pin; thence running North 4
degrees 51 minutes West 137.8 feet to an iron pin on
the south side of Custer Avenue; thence running North
88 degrees 58 minutes East along the south side of
Custer Avenue 345.7 feet to a point; thence running
South 14 degrees East 122.6 feet; thence running North
89 degrees 28 minutes East 498.9 feet to an iron pin;
thence running South 0 degrees 10 minutes East along
the east line of said Land Lot 24, 600.5 feet to an
iron pin; thence running South 89 degrees 50 minutes
West 836 feet to a point; thence running South 0
degrees 10 minutes East 468 feet to a point on the
south line of said Land Lot 24; thence running South 89
degrees 50 minutes West along the south line of said
land lot 640 feet to an iron pin; thence running North
2 degrees 45 minutes West 47.42 feet to an iron pin;
thence running North 4 degrees 53 minutes East 328 feet

to an iron pin; thence running South 88 degrees 56 minutes West 160 feet to a point; thence running North 1 degree 2 minutes East 349.07 feet to the point of beginning; LESS AND EXCEPT therefrom that portion of the above described property which was conveyed by Boulevard Custer Corp. to the City of Atlanta, by Warranty Deed recorded in Deed Book 4356, page 503, Fulton County Records.

And being the same property that was conveyed by Limited Warranty Deed from THE CITIZENS AND SOUTHERN NATIONAL BANK, as Grantor to DAN E. SEWELL, as Grantee, dated, filed and recorded December 4, 1978 in Deed Book 7117, Page 427, Fulton County Records.

PARCEL 2:

ALL THAT TRACT AND PARCEL OF LAND lying and being in Land Lot 24, of the 14th District of Fulton County, Georgia and containing 0.26 acres and being more particularly described as follows:

BEGINNING at a point on the west line of property formerly owned by W. James Wilson six hundred and five (605) feet, more or less (same being 598.6' per Compiled Cadastral Map, Atlanta-Fulton County Joint Planning Board 3-22-68), south of the south line of Casanova Street on a line which is parallel to and two hundred (200) feet east of Funston Street, and running thence south along said west line of said Wilson property forty-three and six-tenths (43.6) feet; thence, south 61 degrees 39 minutes east, one hundred fifty-eight and four tenths (158.4) feet to an iron pin; thence, north 2 degrees 45 minutes west along the east line of property formerly of said W. James Wilson fifty (50) feet (same being 47.42' per Deed Book 7117, Page 428) to another iron pin; thence, continuing along said east line of said W. James Wilson north four degrees 53 minutes east seventy-three (74) feet; thence, west one hundred and sixty (160) feet to west

Exhibit "B"
Legal Description

Proposed Custer Avenue Subdivision
Housing Enterprise Zone

line of property of former W. James Wilson and the
point of beginning.

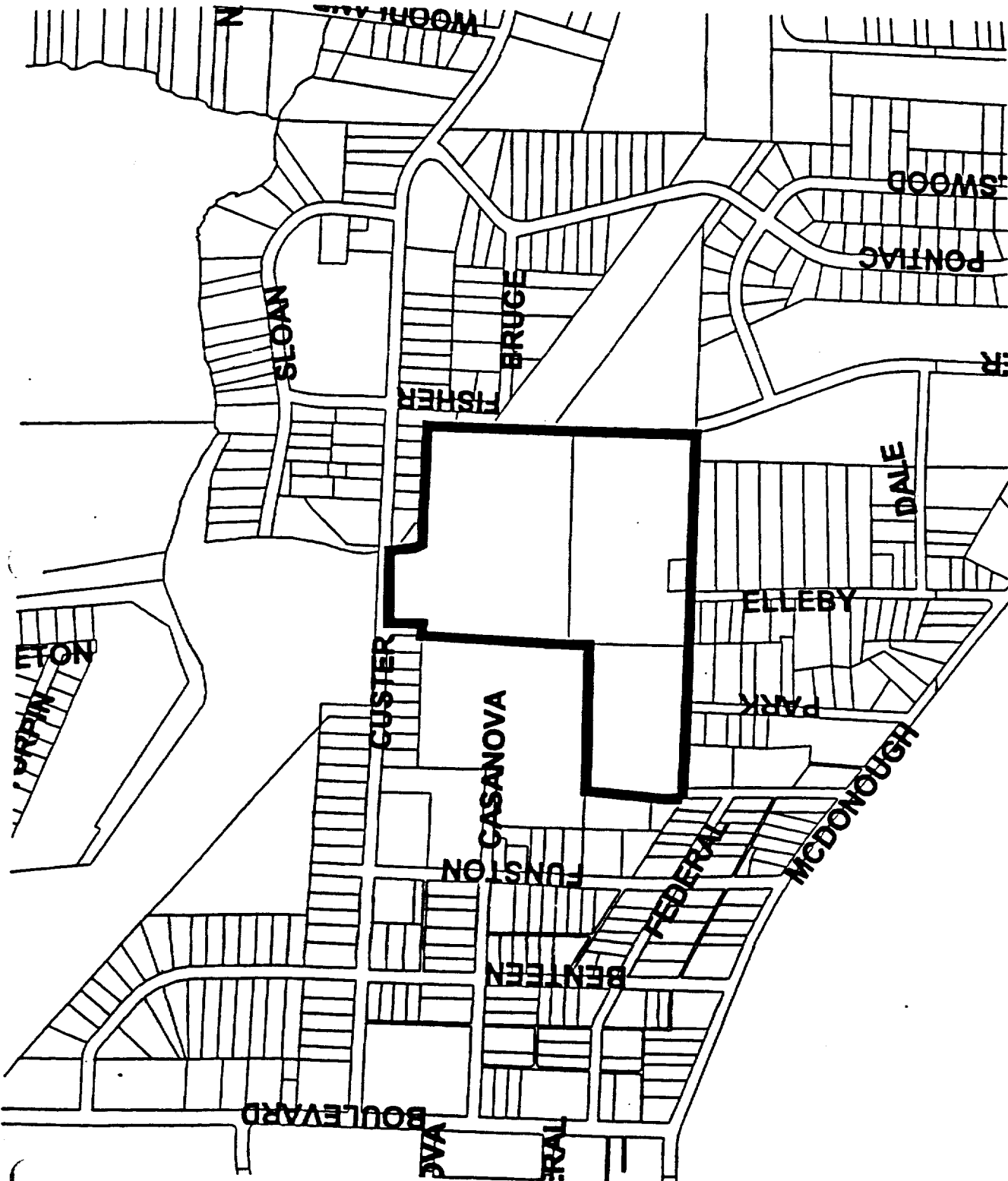
And being the same property that was conveyed by
Warranty Deed from W. JAMES WILSON, as Grantor to
WALTER JAMES WILSON, JR., as Grantee, dated May 16,
1967, filed July 28, 1967 and recorded August 2, 1967
in Deed Book 4767, Page 333, Fulton County Records.

Exhibit "c"
Project Location Map

Proposed Custer Avenue Subdivision
Housing Enterprise Zone



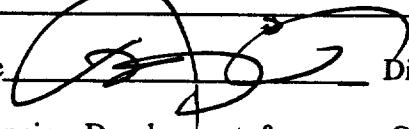
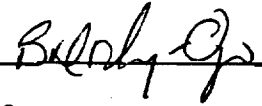
Map-w-streets
Map-w-parcels



CUSTER AVENUE SUBDIVISION

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon
(for review & distribution to Executive Management)

Commissioner's Signature 	Director's Signature 
From: <u>Department of Planning, Development, & Neighborhood Conservation/Bureau of Planning</u>	Contact (name): <u>Linda Logan</u> Extension 6637
Committee of Purview: <u>Community Development/Human Resources</u>	Committee Deadline: 6/28/02
Committee Meeting Dates: <u>7/9/02 & 7/30/2002</u>	City Council Meeting Dates: <u>7/15/02 & 8/5/2002</u>

CAPTION:

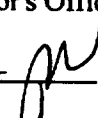
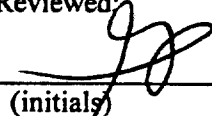
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BACKGROUND/PURPOSE/DISCUSSION:

Capital City Partners is requesting an extension ("clock resetting") of the effective date for the Custer Avenue Subdivision Housing Enterprise Zone due to unforeseen development impediments, which have delayed the initiation of construction (see the letter comprising Exhibit "A"). The new effective date for the Custer Avenue Subdivision Housing Enterprise Zone would be January 1, 2003, and the enterprise zone would expire on December 31, 2012. All other provisions would remain unchanged from the original ordinance of creation, which was adopted on October 1, 2001 by the Council and approved on October 9, 2001 by the Mayor.

FINANCIAL IMPACT (IF ANY):

None.

Received by Mayor's Office:	Reviewed:	Submitted to Council:
<u>6/25/02</u> 		
(date)	(initials)	(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other